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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,944	03/27/2001	James C. Bedingfield	BELL-0096/00414	9851

38952 7590 05/19/2004
WOODCOCK WASHBURN LLP
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PHILADELPHIA, PA 19103

EXAMINER

CAMPBELL, JOSHUA D

ART UNIT PAPER NUMBER

2178

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/817,944

Applicant(s)

BEDINGFIELD, JAMES C.

Examiner

Joshua D Campbell

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: Application filed on 03/27/2001.
2. Claims 1-17 are pending in this case. Claims 1, 7, and 11 are independent claims.

Drawings

3. The drawings were received on 03/27/2001. These drawings are accepted.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3-7, and 9-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Davis et al. (hereinafter Davis, US Patent Number 5,937,160, issued on August 10, 1999).

Regarding Independent claim 1, Davis discloses a method in which an update profile is accessed which contains a named URL and an update frequency for that URL (column 13, line 51-column 14, line 64 of Davis). Davis discloses that a determination about whether that URLs content is to be updated is made based on the update frequency (column 13, line 51-column 14, line 64 of Davis). If the URL needs to be

updated a user is notified via e-mail at which point the user accesses the page which causes the server to retrieve a copy of the page and present it to the user (column 13, line 51-column 14, line 64 of Davis). The user then submits a revised copy of the page via email at which point the server updates the URL based on the revised copy (column 2, line 36-column 3, line 35 of Davis).

Regarding dependent claims 3 and 4, Davis discloses a method in which the web site content includes an update log and that the log is updated whenever a page is last checked and last updated (column 13, line 51-column 14, line 64 of Davis).

Regarding dependent claims 5 and 6, Davis discloses a method in which an update profile comprises a web page on a web site and includes an update type, which is used in conjunction with the URL to retrieve the web site content (column 13, line 51-column 14, line 64 of Davis).

Regarding independent claim 7 and dependent claims 9 and 10, the claims incorporate substantially similar subject matter as claims 1, 5, and 6. Thus, the claims are rejected along the same rationale as claims 1, 5, and 6.

Regarding independent claim 11, Davis discloses a method in which a server, having non-volatile memory and software for updating and e-mailing resident on the server, has a way to communicate with a named party and a web hosting server, having a named party URL and content for that URL resident (column 6, line 7-column 8, line 39 of Davis).

Regarding dependent claims 12-15, Davis discloses a method in which an update profile comprises a web page on a web site, which exists on a server's memory,

and includes an update type, update frequency, named party URL, and a named party e-mail address (column 13, line 51-column 14, line 64 of Davis).

Regarding dependent claims 16 and 17, Davis discloses a method in which the web site content includes an update log and that the log is updated whenever a page is last checked and last updated (column 13, line 51-column 14, line 64 of Davis).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. (hereinafter Davis, US Patent Number 5,937,160, issued on August 10, 1999) as applied to claims 1, 7, and 11 above, and further in view of Patterson (US Patent Application Publication Number 2003/0028608, filed on January 15, 1999).

Regarding dependent claims 2 and 8, Davis discloses a method in which an update profile comprises a named party e-mail address and that the revised copy of the content is sent via email to the server as an attachment (column 13, line 51-column 14, line 64 of Davis). However, Davis does not disclose a method in which a copy of the content is sent to the user from the server as an attachment. However, Patterson discloses a method in which web content is sent to a user as an attachment in an e-mail

(page 2-3, paragraphs 0026-0030 of Patterson). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the method of Davis with the method of Patterson because it would have allowed the user to be supplied with the content to be updated without interrupting the current operations being performed by the user.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent Number 6,094,681

US Patent Number 6,076,109

US Patent Number 6,356,903

US Patent Number 6,442,594

US Patent Application Publication Number 2002/0184359

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D Campbell whose telephone number is (703)305-5764. The examiner can normally be reached on M-F (8:00 AM - 4:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (703)308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JDC
May 12, 2004



STEPHEN S. HONG
PRIMARY EXAMINER